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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,835	05/09/2000	CHRISTINE RONDEAU	05725.0577	6223

7590 11/20/2003  
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER  
1300 I STREET NW  
WASHINGTON, DC 20005

EXAMINER
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ELHILO, EISA B

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/529,835

Applicant(s)

RONDEAU, CHRISTINE

Examiner

Eisa B Elhilo

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 2-8 and 32-77.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_


Continuation of 5. does NOT place the application in condition for allowance because: Applicant has not presented any additional data or showing to overcome the rejection of record. The arguments dated November 03, 2003 merely rehash the arguments presented earlier which were fully responded by the examiner in previous office action on paper No. 16, dated 6/03/2003. Further, with respect to the motivation to combine the teachings of the references with a reasonable expectation of success, the examiner would like to point out that the primary reference of Rondeau suggests the use of the quaternary ammonium compounds in the hair dyeing composition (see col. 21, lines 14-19) and also teaches that the oxidizing agent is selected from oxidizing agents that used conventionally in oxidation dyeing composition (see col. 21, lines 14-19). Casperson (US' 146) in analogous art of hair dyeing compositions, teaches a composition comprising quaternary ammonium salts which represented by the a formula similar to the claimed formula as described in the previous office action. The secondary reference of Casperson clearly teaches that the quaternary salts are used in the hair dyeing compositions as conditioners for improve the lubricity of the hair such as making the hair easy to detangle while wet and feel smooth and be readily managed when dry (see col. 8, lines 61-68 and col. 9, lines 1-4). Aslyng (WO, 998) in other analogous art of hair dyeing composition, teaches a composition comprising laccase enzymes as an oxidizing agent as claimed (see page 3, lines 28-29). Aslyng clearly teaches that the use of hydrogen peroxide as an oxidizing agent in the dye compositions have some disadvantages such as damages the hair (see page 2, lines 20-21). Therefore, it would have been obvious to the skilled person in the art to be motivated to modify the composition of the primary reference of Rondeau by incorporating the quaternary ammonium salts of Casperson and the laccase enzyme of Aslyng to make such a composition with the reasonable expectation

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of success for improving the conditions of the hair by incorporating the quaternary amonium compounds as taught by Casperson and to reduce the damage on the hair by incorporating the laccase enzyme as taught Aaslyng. Thus, the prima facie case of obviousness has been established.

  
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